



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 17, 1977

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS
AND ESTABLISHMENTS

SUBJECT: President's Reporting Burden Reduction Program

At the direction of the President, I am transmitting the Office of Management and Budget's guidelines for your use in implementing the President's reporting burden reduction program and the Federal Reports Act. I am also enclosing copies of OMB Circular No. A-40 and pertinent transmittal memoranda.

I will be communicating with some of you separately on specific problems relating to the reporting burdens which your agencies place upon the public.

I would appreciate receiving from you the name or names of those persons in the line of delegation of the responsibilities as defined in the President's letter in order that we may deal effectively and promptly with any problems associated with individual requests for clearance, interpretations of OMB Circular No. A-40, and related matters.

For administrative convenience, you may wish to have this information supplied directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Stop 20, Telephone 395-4529.

Sincerely,

Bert Lance
Director

Enclosures

OMB

GUIDELINES FOR REDUCING PUBLIC
REPORTING TO FEDERAL AGENCIES

I. GUIDELINES FOR CONTROLLING THE NUMBER OF REPORTS

Objective: To control the number of reports used by executive agencies while permitting a degree of flexibility.

- A. A ceiling of 4,700 repetitive reports and 600 single-time reports is established for agencies in the executive branch subject to the provisions of the Federal Reports Act (44 U.S.C. 3501 - 3512).
- B. Each department and independent agency has a ceiling on the number of repetitive reports and a ceiling on the number of single-time reports. The ceilings for each department and agency are set forth in Attachment A.
- C. The following guidelines come into effect for any department or agency which reaches its ceiling. They will remain in effect until the number of repetitive reports and single-time reports used by the department or agency are reduced to the number in use on June 30, 1976.
 - (1) No request for clearance of a new report is to be made unless:
 - (a) the report is specifically required by law, or
 - (b) the report is required to obtain information specifically requested by Congress, or
 - (c) the request for clearance of the proposed new report is accompanied by a request for the elimination of an existing report. The elimination of an existing single-time report is not acceptable as an offset to the introduction of a repetitive report, or

- (d) an exception is granted per guideline I-C(3).
 - (2) No request for clearance for the continued use of an existing report is to be made unless:
 - (a) the report is specifically required by law, or
 - (b) the request for clearance is accompanied by a request for the elimination of an existing report. The elimination of an existing single-time report is not acceptable as an offset to the continued use of a repetitive report, or
 - (c) an exception is granted per guideline I-C(3).
 - (3) If the head of a department or agency determines that there is no approved report which can be eliminated in order to meet the requirements of C(1)(c) or C(2)(b) above, he may request an exemption from these guidelines by certifying his determination to the Director of the Office of Management and Budget. It is intended that this determination, certification, and request for exemption be made by the head of the department or agency and not by any person to whom he has delegated his clearance authority.
 - (4) If an exemption is granted by the Director, it will apply only to a specific request for clearance. A separate determination, certification, and request for clearance must be made for each case for which an exemption is sought.
- D. In some cases one agency collects information on behalf of another. In such a case, if the data collection involves a separate survey, the agency which sponsors the collection of information from the public shall have the data collection included in its inventory of reports and estimated reporting burden.

II. GUIDELINES FOR REDUCING REPORTING BURDEN

Objective: To reduce the burden of public reporting by 7,000,000 hours by September 30, 1977. The reduction is to be achieved in the burden of reporting associated with repetitive reports. The burden of reporting associated with single-time reports is to be no higher on September 30, 1977 than it was on June 30, 1976.

- A. Guidelines for agency use in achieving a reduction in reporting hour burden of existing or prospective data collections.
- (1) Review the essentiality of the report. Request clearance only for those reports which are essential to policy decisions, program planning, management or evaluation.
 - (2) Review the practical utility of the information collected. If it is not used for reasons beyond the agency's control, do not collect it even though it may be "needed."
 - (3) Reexamine use of samples, cutoffs, and similar techniques which can reduce reporting burden. If these techniques are not being used, why can't they be used? If they are being used, can the samples be reduced or cutoff levels raised?
 - (4) Reexamine the need for frequency of data collection. Would less frequent data collection adequately serve minimum department or agency needs?
 - (5) Consider the possible use of "short" forms for use by individuals or by small organizations when an inquiry is addressed to a universe or sample containing large organizations, small organizations, and/or individuals.

- (6) Address special efforts to a reexamination of the use of information collected by "large burden" programs such as medicare and medicaid, the food stamp program of the Department of Agriculture, and the like. Such special efforts should concentrate on an evaluation of the practical utility of the information collected.

B. Guidelines to be used by OMB in review of requests for clearance.

- (1) Applications. No request for clearance of a new application form or for the continued use of an existing application form will be granted for forms which contain anything other than the information necessary to determine (1) whether the applicant is eligible to receive the benefit applied for or (2) the amount of benefit to which an eligible applicant is entitled.

When narrative statements are required as part of an application, reporting instructions are to be explicit as to what is needed.

An agency which requires the name or names of project directors/principal investigators (and information on their staffs) as part of an application is required to present a specific justification for such information in its request for clearance under the Federal Reports Act and to describe the consequences of not receiving it.

- (2) Program evaluation. Reporting and data collection required for program evaluation must directly contribute to the assessment of the degree to which program goals have been achieved or to the assessment of the effects of programs or their processes or management. Acquisition of large amounts of descriptive data not directly relevant to these purposes is to be avoided.
- (3) Other management reports. No report is to be required of an employer of fewer than 100 employees unless the report is specifically required by law or unless the report is consequent to a benefit received.

(4) Statistical surveys or reports. No statistics program which collects information annually or more frequently shall be designed to produce geographic detail below national totals for the United States unless:

- (a) the information is required by law more frequently than would be provided by a census and
- (b) cannot be obtained from existing administrative records or
- (c) the data collection is an integral part of a specific Federal-State cooperative program or of a specific Federal-local government cooperative program.

Federal agencies are not to engage in any data collection activities which are not financed wholly by Federal funds, except data collection which is undertaken as a consequence of cooperative efforts with State and/or local governments.

It is expected that data collections for statistical purposes will have a response rate of 75 percent. Proposed data collections having an expected response rate of less than 75 percent require a special justification. Statistical data collection activities having a response rate of under 50 percent should be terminated. Proposed statistical data collection activities having an expected response rate of less than 50 percent will be disapproved.

An agency will make every reasonable effort to assure that no individual and no employer of fewer than 100 is included in more than one of its statistical samples at the same time.

(5) Data collection for research purposes. Data collections for research purposes will be approved only if (1) they test a stated hypothesis or (2) they are part of an investigation designed to

discover new facts or principles in a specified area of knowledge. The anticipated benefits expected from the data collection and the consequences of not engaging in the proposed data collection are to be specified.

- (6) Grant-in-aid reporting. Grant-in-aid programs are expected to use the uniform grant reporting procedures set forth in FMC 74-7 and OMB Circular Nos. A-110 and A-111. Agencies may ask for less information than is included in the uniform grant reporting procedures, but may not ask for more information unless (1) the additional information is specifically required by law or (2) is specifically required by Congress even though not required by law.

Grant-in-aid reporting shall be required only of the grant recipient. Reports from subgrantees, projects, or ultimate beneficiaries are not to be required unless specifically required by law or by Congress.

- (7) Exemptions from these guidelines. The head of a department or independent agency may request an exemption from any of these guidelines for a particular case. A request for such an exemption may be made only by the head of the department or agency and may not be made by anyone to whom clearance responsibilities may be delegated. A request for exemption must describe why the particular exemption sought is necessary to the proper performance of the department's or agency's functions.

III. GUIDELINES FOR REDUCING REPORTING BURDEN SUBSEQUENT TO SEPTEMBER 30, 1977

Objective: To recommend changes in legislation which would achieve an additional reduction of reporting burden.

- A. During FY 1977 identify legislative sources of specific reporting and recordkeeping requirements which the department or agency regards as excessive.

- B. Recommend specific changes in legislation which could reduce the excessive reporting or recordkeeping requirement. These recommendations are to be reported quarterly to OMB, beginning March 31, 1977, together with an estimate of the savings in reporting burden which could be secured if the recommendations were enacted.

CEILINGS FOR REPETITIVE REPORTS

Department of Agriculture	726
Department of Commerce	527
Department of Defense	211
Department of Health, Education, and Welfare	850
Department of Housing and Urban Development	254
Department of the Interior	296
Department of Justice	166
Department of Labor	251
Department of State	31
Department of Transportation	272
Department of the Treasury	130
Agency for International Development	20
Energy Research and Development Administration	29
Environmental Protection Agency	56
Executive Office of the President	13
Community Services Administration	11
Federal Home Loan Bank Board	12
Federal Mediation and Conciliation Service	2
Federal Reserve System	12
Foreign Claims Settlement Commission	1
National Foundation on the Arts and Humanities	20
General Services Administration	49
National Aeronautics and Space Administration	23
National Mediation Board	3
National Science Foundation	55
ACTION	23
Railroad Retirement Board	118
Renegotiation Board	4
Selective Service System	6
Small Business Administration	22
Smithsonian Institution	9
Tennessee Valley Authority	20
U.S. Civil Service Commission	132
U.S. Commission on Civil Rights	1
U.S. Information Agency	9
U.S. International Trade Commission	9

Repetitive Reports (continued)

Veterans Administration	283
National Gallery of Art	2
Interim Compliance Panel	
National Credit Union Administration	5
Overseas Private Investment Corporation	2
Special Action Office for Drug Abuse Prevention	
American Revolution Bicentennial Administration	5
Committee on Products and Services of Blind and Severely Handicapped	4
Inter-American Foundation	2
Pension Benefit Guaranty Corporation	1
U.S. Postal Service	
National Academy of Sciences	1
National Center for Productivity	1
Administrative Conference of the United States	1
Commission on Review of National Policy toward Gambling	1
National Commission on Libraries and Information Science	1

CEILINGS FOR SINGLE-TIME REPORTS

Department of Agriculture	35
Department of Commerce	76
Department of Defense	13
Department of Health, Education, and Welfare	230
Department of Housing and Urban Development	23
Department of the Interior	22
Department of Justice	11
Department of Labor	18
Department of State	1
Department of Transportation	53
Department of the Treasury	7

Agency for International Development	
Energy Research and Development Administration	
Environmental Protection Agency	14
Executive Office of the President	1
Community Services Administration	1
Farm Credit Administration	
Federal Home Loan Bank Board	
Federal Mediation and Conciliation Service	
Federal Reserve System	
Foreign Claims Settlement Commission	
National Foundation on the Arts and Humanities	6
General Services Administration	1
National Aeronautics and Space Administration	
National Mediation Board	
National Science Foundation	7
ACTION	6
Railroad Retirement Board	
Renegotiation Board	
Selective Service System	
Small Business Administration	
Smithsonian Institution	
Tennessee Valley Authority	5
U.S. Civil Service Commission	2
U.S. Commission on Civil Rights	2
U.S. Information Agency	
U.S. International Trade Commission	21

Single-Time Reports (continued)

Veterans Administration	10
National Gallery of Art	
Interim Compliance Panel	
National Credit Union Administration	
Overseas Private Investment Corporation	
Special Action Office for Drug Abuse Prevention	
American Revolution Bicentennial Administration	
Committee on Products and Services of Blind and Severely Handicapped	
Inter-American Foundation	
Pension Benefit Guaranty Corporation	
U.S. Postal Service	
National Academy of Sciences	2
National Center for Productivity	1
Administrative Conference of the United States	1
Commission on Review of National Policy toward Gambling	2
National Commission on Libraries and Information Science	1

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OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

February 10, 1976

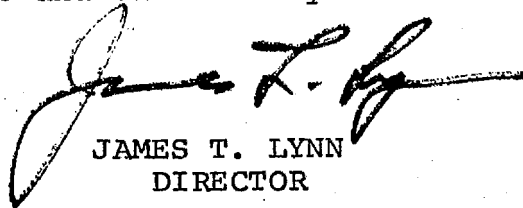
CIRCULAR NO. A-40
Transmittal Memorandum No. 1

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Revision of Attachment A to Circular No. A-40
"Clearance of Public Reporting and Recordkeeping
Requirements Under the Federal Reports Act"

Attached is revised Attachment A, "Clearance of Public Reporting and Recordkeeping Requirements Under the Federal Reports Act."

The purpose of the revision is to: (1) change the definition of "Federal agency" to accord with the amendment to 44 U.S.C. 3502; (2) further define "practical utility" and distinguish it from "potential utility;" (3) require Federal agencies to submit a specific justification for any data collection which is expected to require more than one-half hour of reporting time by individuals or small organizations; (4) require Federal agencies to note whether a report is mandatory or voluntary; (5) require the inclusion of language required by the Privacy Act of 1974 on any form proposed for use to collect information from individuals about themselves; and (6) require agencies to submit, as part of a request for clearance, a statement that the proposed data collection and method of handling of information collected complies with the Freedom of Information Act and the Privacy Act of 1974.



JAMES T. LYNN
DIRECTOR

Attachment



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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Executive Registry

76-5636

November 5, 1976

CIRCULAR NO. A-40
Transmittal Memorandum No. 2

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Interpretation of the requirement of clearance
for proposed collections of information from the
public (44 U.S.C. 3509)

The purpose of this memorandum is to clarify the requirement for clearance of proposed collections of information from the public in those cases in which the sponsoring agency and the collecting agency are different and one of the agencies is not subject to the provisions of the Federal Reports Act.

44 U.S.C. 3509 states that no agency shall collect or sponsor the collection of information upon identical items from 10 or more persons unless the Director of the Office of Management and Budget shall have indicated that he does not disapprove the collection.

According to the provisions of 44 U.S.C. 3502, the following organizations are not "agencies" within the meaning of the Federal Reports Act.

Civil Aeronautics Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Equal Employment Opportunity Commission
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Interstate Commerce Commission
National Labor Relations Board
Securities and Exchange Commission

Federal Energy Administration

The following units within the Department of the Treasury:

Bureau of Alcohol, Tobacco and Firearms
Bureau of Government Financial Operations
Bureau of the Public Debt
Comptroller of the Currency
Internal Revenue Service

General Accounting Office

District of Columbia

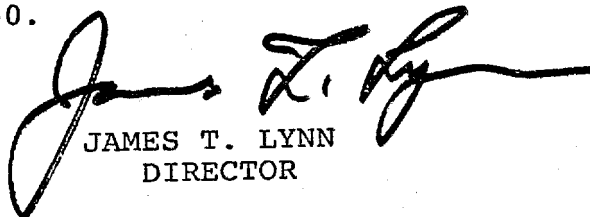
An agency subject to the provisions of the Federal Reports Act may enter into an arrangement with an organization not subject to the Act whereby the organization not subject to the Act collects information on behalf of the agency subject to the Act. The reverse also occurs.

The provisions of 44 U.S.C. 3509 apply to both of these situations.

Any collection of information upon identical items from 10 or more persons made by an agency subject to the provisions of the Federal Reports Act is subject to the requirement of clearance by the Office of Management and Budget, whether or not the sponsor of the collection is an agency subject to the Act. Example: the collection of information by the Bureau of Mines for the Federal Energy Administration is subject to clearance even though the data collection activities of the Federal Energy Administration are not subject to clearance by OMB under the Federal Reports Act.

Any collection of information upon identical items from 10 or more persons sponsored by an agency subject to the Federal Reports Act is subject to the requirement of clearance by the Office of Management and Budget whether or not the agency collecting the information is subject to the Act. Example: the collection of information for the Bureau of the Census by the Internal Revenue Service is subject to clearance by the Office of Management and Budget even though the data collection activities of the Internal Revenue Service are not subject to clearance by OMB under the Federal Reports Act.

In each case, the agency which is subject to the provisions of the Federal Reports Act will submit a request for clearance to the Office of Management and Budget as required by Attachment A to OMB Circular No. A-40.


JAMES T. LYNN
DIRECTOR

ATTACHMENT A
Circular No. A-40
Revised

Clearance of Public Reporting and Recordkeeping
Requirements Under the Federal Reports Act

1. The following definitions for public reporting are to be used for the purpose of this Circular.

a. "Federal agency." An executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government. Exceptions: the Government of the District of Columbia or of any territory or possession of the United States, or any subdivision of such a Government; the General Accounting Office; the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Government Financial Operations, the Bureau of Alcohol, Tobacco, and Firearms, and the Division of Foreign Funds Control of the Treasury Department; independent Federal regulatory agencies; ^{1/} and any Federal bank supervisory agency to the extent that such agency obtains reports and information from banks as provided or authorized by law and in the proper performance of its supervisory capacity.

b. "Information." Facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest (44 U.S.C. 3502).

^{1/} Independent Federal regulatory agencies are: Civil Aeronautics Board, Commodity Exchange Authority, Consumer Product Safety Commission, Equal Employment Opportunity Commission, Federal Communications Commission, Federal Maritime Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, National Labor Relations Board, Securities and Exchange Commission, and Federal Energy Administration.

(No. A-40)

c. "Person." An individual, partnership, association, corporation, business trust, or legal representative, an organized group of persons, a State or territorial Government or branch, or a political subdivision. In determining whether information is being collected from 10 or more persons, when the primary or principal respondents must obtain from others the same information that is requested of them (e.g., prime contractors obtaining information from their subcontractors), the secondary respondents are also included.

d. "Plan." Any specific requirement or guide for the reporting of information or the establishment or maintenance of records (including management systems and systems of classification) which are to be used or be available for use in the collection of information; any such requirement or instruction affecting the content, preparation, return, or use of a plan or report form; or any contract or agreement which will result in the collection of information on identical items from 10 or more respondents.

e. "Report form." Any application or other administrative form, questionnaire, schedule, interview guide, telegraphic request, or other similar device for the collection of information.

f. A plan or report form is deemed to be "used" by a Federal agency if:

(1) The agency itself uses the plan or form to collect data, upon identical items, from 10 or more persons, or

(2) The agency sponsors the employment of the plan or form by others.

g. "Sponsor." A Federal agency is considered to "sponsor" the collection of information under the following circumstances, subject to the qualifications and explanations indicated herein:

(1) Collection by a contractor. A plan or report form used by a contractor to a Federal agency is deemed to be sponsored by the agency which awards the contract, except when the data collection is neither required by nor implied by the terms of the contract and no representation of Federal sponsorship or association is made to the respondents.

(2) Collection by recipient of a grant. A plan or report form used by a recipient of a Federal grant is not deemed to be sponsored by an agency, except when:

(a) The recipient of a grant represents to respondents that the information is being collected for or in

association with a Federal agency (However, this exception is not intended to preclude mention of Federal support in response to an inquiry, or acknowledgement of assistance from a Federal grant in any publication of the data.); or

(b) The recipient of a grant uses the plan or report form to collect information that the agency has requested for the planning, operation, or evaluation of its program; or

(c) The terms and conditions of the grant provide for approval by the agency of the survey design, questionnaire content, or data collection procedures; or

(d) The terms and conditions of the grant provide for either submission to the agency of the data for individual respondents or the preparation and submission of tabulations requested by the agency.

(3) Other types of sponsorship. When a person or organization is requested by a Federal agency to collect specific information to be made available to the agency, the plan or report form or the part thereof used to collect this information must be regarded as sponsored, even though no contract or grant is involved. When a plan or report form is promulgated by a Federal agency as a standard for use by State or local governmental agencies, such a plan or report form is deemed to be sponsored, even though it is not used for reporting to the Federal agency. In the case of doubt as to whether a plan or report form is sponsored, inquiry should be made of the Office of Management and Budget.

2. Clearance requirements.

a. General requirements of clearance. No plan or report form (whether repetitive or single-time) is to be used or prescribed by a Federal agency in the collection or recording of information from 10 or more persons without first obtaining clearance from the Office of Management and Budget which will be indicated by inscribing thereon the OMB approval number or notation. Reimbursement of contractors or other persons supplying information does not constitute a basis for exemption from any clearance requirement.

b. Responsibility of agency sponsoring collection of information. Whenever a Federal agency sponsors the use of a plan or report form by contractors, grantees, or other sponsored collectors of information, it will be that agency's responsibility:

(No. A-40)

(1) To inform the sponsored collector of information of the requirements of this Attachment;

(2) To ensure that the submittal required by paragraph 3a of this Attachment is made; and

(3) To ensure that the plan or report form is not used without prior clearance.

c. Termination of clearance and use. No plan or report form subject to paragraph 2a of this Attachment is to be used after its expiration date without resubmittal to the Office of Management and Budget and prior clearance. Moreover, clearance of any plan or report form subject to paragraph 2a may be withdrawn by the Office of Management and Budget, in which event the use of the plan or report form will be discontinued.

3. Request for clearance for new plans and report forms.

a. Agency plans and report forms. Requests for clearance shall be made by submitting Standard Form 83, "Clearance Request and Notice of Action," prepared in accordance with, and accompanied by, additional materials described in Standard Form 83a, "Instructions for Requesting OMB approval under the Federal Reports Act." (Standard Forms 83 and 83a may be secured from the Federal Supply Service, General Services Administration.) Requests for clearance should be made in time to allow for adequate review and the adoption of any necessary alterations (including coordination or integration with other plans and report forms) without delaying the operating program to which the plan or report form relates.

b. Standard and optional forms. Standard and optional forms which require Office of Management and Budget approval under 44 U.S.C. 3509 (i.e., public use forms or those which are the basis for statistical compilations of general public interest) should be submitted to the National Archives and Records Service of the General Services Administration, with copies of both Standard Form 152, "Request for Clearance and Procurement--Standard and Optional Forms," and Standard Form 83 (only items 6, 14, 15, and 16 need be completed on Standard Form 83). The National Archives and Records Service will review the proposed forms and will also transmit copies to the Office of Management and Budget.

c. Interagency reports. Interagency report forms and requirements which require Office of Management and Budget approval under 44 U.S.C. 3502 (i.e., because the information

to be collected is to be used for statistical compilations of general public interest) should be submitted to the National Archives and Records Service of the General Services Administration with copies of Standard Form 360, "Request for Clearance of an Interagency Reporting Requirement." The National Archives and Records Service will review the proposed forms and requirements and will also transmit copies to the Office of Management and Budget. (Effective July 1, 1973. See Attachment B.)

4. Consideration of utility and burden.

a. To minimize the reporting burden on respondents and to improve governmental efficiency, each Federal agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable need or practical utility, either with respect to number of respondents, frequency of collection, or number and difficulty of the items, and whether all of the items of information to be furnished or recorded are essential to the central purpose of such plan or report form.

b. Practical utility (as distinguished from potential utility) also includes the ability of the agency to use the information received. Particular care will be exercised by agencies to insure that, need for information notwithstanding, there are no limitations in staff, in capability to process the information in a timely and useful fashion, or other constraints on the likely use of the information. Otherwise there is no practical utility and the information should not be collected.

c. Special consideration will be given to the burden on individuals, small businesses, and other organizations with limited clerical, financial management, and statistical staffs which employ fewer than 100 persons. Individuals, small businesses, or other small organizations should not be called upon to spend more than one-half hour in responding to a request for information from a Federal agency. Agencies will be expected to make a specific justification for any data collection plan or instrument which requires more than one-half hour from these respondents.

d. Dollar costs associated with the development and processing of a public reporting requirement will be treated as an internal reporting cost of the agency collecting the information.

(No. A-40)

5. Mandatory and voluntary reports.

a. Except for applications and reports filed by recipients of Federal benefits, each report subject to the provisions of the Federal Reports Act and of this Circular will carry on its face one of the following statements:

(1) "This report is required by law (____ U.S.C.____; E.O.____; ____ C.F.R.____). Failure to report can result in (cite penalty)." The penalty should be cited in plain language along with the appropriate legal citation.

(2) "This report is authorized by law (____ U.S.C.____; E.O.____; ____ C.F.R.____). While you are not required to respond, your cooperation is needed to make the results of this survey comprehensive, accurate and timely." An agency may propose the use of alternative language providing there is no change in the substance of the message.

b. Each application subject to the provisions of the Federal Reports Act and of this Circular shall carry on its face the following statement:

(1) No _____ may be _____ unless a completed application form has been received (____ U.S.C.____; E.O.____; ____ C.F.R.____). (Examples: No grant may be awarded.... No passport may be issued....)

c. Reports filed by recipients of Federal benefits shall carry the following statement (unless reporting is not required, in which case the statement contained in paragraph 5a(2) shall be used):

(1) No further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations (____ U.S.C.____; E.O.____; ____ C.F.R.____).

d. In those cases in which the information is collected by personal interview (either in person or by telephone), the respondent shall be informed as to whether the information sought is required by law or is voluntary and he shall be furnished with the appropriate statement upon request.

6. Information collected from individuals. In addition to informing respondents as to the mandatory or voluntary character of the response to a report, each report requesting information from individuals must include the following information required by the Privacy Act of 1974 (5 U.S.C. 552a(e)(3)):

a. The principal purpose or purposes for which the information is intended to be used.

b. The routine uses (as defined in 5 U.S.C. 552a(a)(7)) which may be made of the information.

7. Request for clearance for revised plans and report forms. Before a material revision or change is made in an approved plan or report or in the use thereof, further clearance must be obtained from the Office of Management and Budget in the manner prescribed in the relevant subparagraph of paragraph 3. A material revision or change in a plan or report form or the use thereof, necessitating further clearance, will include (a) any modification in the kind or amount of information sought, (b) any change in the type of respondents or the survey coverage, (c) any change in the timing or frequency of reporting, (d) any other change in the sample design or collection method, or (e) a change in the purpose for which the data are collected.

8. Request for extension of clearance. If use of a plan or report form beyond a scheduled expiration date is desired, without material revision or change, the request for an extension of approval will be made on Standard Form 83 or by such other means as may be prescribed.

9. Exemptions. The following types of forms and reporting requirements are exempted from the requirement of approval under 44 U.S.C. 3509:

a. Affidavits, oaths, certifications, notices of change of address, and forms used for acknowledgment or receipt of articles or services which require no information other than that necessary to describe the article or service and identify the person or persons making the acknowledgment or receipt.

b. Forms calling for technical information incident to the design, production, or operation of contract items, such as engineering drawings, specifications and standards, parts breakdown lists, catalog items identifications, or descriptions of physical qualities and characteristics. ("Technical information" does not include financial, administrative, cost and pricing, management and management planning data, or other information incidental to contract administration.)

c. Collection of information for identification or classification in connection with laboratory research and clinical investigations.

d. Tests or examination given individuals for the purpose of determining knowledge, abilities, or aptitudes of the person tested, and the collection of information for identification or classification in connection with such tests.

e. Requests for information in connection with a particular proceeding which arise out of judicial and quasi-judicial actions, such as proceedings before hearing examiners or administrative law judges.

f. Those specifically exempted by the Office of Management and Budget because they do not call for information of substantial volume or importance.

10. Deviation from terms of clearance. No deviation is to be made in the use of any plan or report form from the terms and conditions on which clearance has been granted.

11. Notice of discontinuance. Whenever the use of a plan or report form for which clearance has been given is to be discontinued, except by expiration of a time limit fixed by the Office of Management and Budget, the Clearance Officer, Statistical Policy Division, Office of Management and Budget, is to be notified by the responsible agency at least 30 days in advance.

12. Reports. Each Federal agency will provide the Clearance Officer such information concerning the status and use of its report forms as may be requested.

13. Exercise of authority.

a. Determination of scope. The determination of the Director as to whether any plan, report form, activity, or other matter is within the scope of the Act or this Circular will be controlling.

b. Waivers. Any provision of this Circular may be waived in writing by the Director except for those requirements applicable to the collection of personal information specified in the Privacy Act of 1974.

c. Delegation of Director's authority. The authority conferred by the Federal Reports Act on the Director may be exercised by his designee to the extent necessary or appropriate for the performance of any function or duty prescribed by this Circular.

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14. Relation to existing authority. This Attachment will not be deemed to limit or preclude exercise of the authority vested in the Office of Management and Budget by Executive Orders 8248, 10033, 10253, or otherwise, to plan and promote the improvement, development, and coordination of Federal and other statistical services.

15. Relation to Freedom of Information Act and Privacy Act of 1974. This Attachment does not limit nor does it expand the rights of individuals or other persons nor does it limit the responsibilities of agencies under the Freedom of Information Act or the Privacy Act of 1974. Agencies will be required to submit, as a part of any request for clearance of a request to collect information from the public, a statement that the proposed collection and method of handling and storing the information proposed to be collected complies with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular No. 108.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 3, 1973

CIRCULAR NO. A-40
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Management of Federal reporting requirements

1. Purpose. This Circular establishes policy and promulgates regulations to assure continuing effective management of Federal reporting requirements in the executive branch.

2. Rescission. This Circular supersedes and rescinds Circular No. A-40, Revised, dated May 25, 1962 and Transmittal Memorandum No. 1 thereto, dated February 12, 1968.

3. Coverage and definitions. The provisions of this Circular apply to the management of all Federal reporting requirements as defined in this paragraph and in Attachment A.

a. Report. Data or information which is transmitted for use in determining policy; planning, controlling, and evaluating operations and performance; making administrative determinations; or preparing other reports.

b. Reporting. The process by which data or information for a report is collected, organized, transmitted, and retained.

c. Management of reporting. An organized and continuous effort to improve the quality and economy of reporting.

d. Federal reporting requirements include:

(1) Public reporting. Any reporting or recordkeeping required from any non-Federal Government, business, institution, group, or individual, and which is subject to the provisions of the Federal Reports Act. Reports from Federal agencies, instrumentalities, and employees are also included if they call for information which is to be used for statistical compilations of general public interest.

(2) Interagency reporting. Any reporting which involves reports to a department or agency from one or more other depart-

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ments and agencies covered by the Federal Records Act. (See FPMR (CFR 41) 101-11.11.)

(3) Internal reporting. Any reporting prepared and used within a department or agency covered by the Federal Records Act. (See FPMR (CFR 41) 101-11.207.)

4. Authority. The policy and regulations provided herein are promulgated under the authorities in the Federal Reports Act of 1942 (44 U.S.C. 3501-3511); section 104 of the Act of September 12, 1950 (31 U.S.C. 18a); and that section of the Federal Records Act of 1950 codified in 44 U.S.C. 3102.

5. Policy. The management of Federal reporting requirements will be a continuous function performed at all levels within the executive branch and will include:

a. The coordination of public, interagency, and internal reporting;

b. The implementation of effective controls on all reporting including objective cost effectiveness evaluation of reporting requirements; and

c. The definition and assessment of reporting needs in the planning of all new programs and major policy implementations.

6. Responsibilities.

a. Office of Management and Budget. The Office of Management and Budget (OMB) will:

(1) Evaluate management of Federal reporting through review of agency annual management reports and issue necessary changes to the policy and regulations established by this Circular; and

(2) Provide for the clearance of public reporting and recordkeeping requirements in accordance with the regulations herein.

b. General Services Administration. The General Services Administration (GSA) will:

(1) Issue procedures for the management of Federal reporting consistent with the policy and regulations of this Circular in the Federal Property Management Regulations;

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(2) Issue standard costing criteria defining what must be included in cost estimates and how they are to be developed;

(3) Provide for the clearance of interagency reporting consistent with the policy and regulations herein; and

(4) Report to the Director, Office of Management and Budget, the following information on interagency reporting by September 1 of each year:

(a) The dollar cost contained in the GSA central clearance inventory of interagency reporting requirements for the past fiscal year for each department and agency;

(b) The dollar cost of all interagency reporting requirements submitted for clearance, and the dollar cost of those approved, during the past fiscal year for each department and agency; and

(c) An assessment of the effectiveness of GSA interagency reporting central clearance efforts.

c. Departments and agencies. Each department and agency will:

(1) Establish procedures for the management of its public, interagency, and internal reporting consistent with the policies and regulations herein and related procedures issued by GSA in the Federal Property Management Regulations;

(2) Develop cost estimates for reporting requirements it initiates consistent with the applicable criteria established by OMB and GSA;

(3) Obtain clearance of its public reporting and record-keeping requirements through OMB as provided herein; obtain clearance of its interagency reporting requirements through GSA as provided herein and in the Federal Property Management Regulations; and provide for clearance of its internal reporting requirements as specified in the Federal Property Management Regulations; and

(4) Report to the Director, Office of Management and Budget, on the management of its public, interagency, and internal reporting by September 1 of each year, under the relevant provisions in OMB Circular No. A-44, Revised.

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7. Clearance of reporting requirements.

a. Public reporting and recordkeeping. Attachment A provides the procedures for OMB review and clearance of plans and report forms used by Federal agencies in the collection of information under the Federal Reports Act.

b. Interagency reporting. Attachment B provides standards for the development of procedures for the clearance of interagency reporting requirements to be issued in the Federal Property Management Regulations by the General Services Administration in accordance with the Federal Records Act.

c. Internal reporting. Each department and agency will develop clearance procedures for significant internal reporting requirements. These procedures will:

(1) Provide for approval, modification, or disapproval of such requirements based on an objective cost effectiveness evaluation; and

(2) Be subject to periodic review by GSA which will evaluate the department or agency's technical effectiveness and compliance with applicable policy and regulations.

d. Exemptions. The following Federal reporting requirements are exempted from the clearance provisions of this Circular. Reporting requirements that may be developed by a department or agency in order to respond to an exempted requirement are subject to the clearance provisions of this Circular.

(1) Public reporting. Exempted public reporting requirements are specified in Attachment A.

(2) Interagency and internal reporting. Exempted interagency and internal reporting requirements are:

(a) Legislative branch requirements contained in statutes or Congressional committee requests;

(b) Judicial branch requirements contained in court orders or other judicial determinations;

(c) Presidential requirements contained in Presidential directives;

(d) OMB budgetary, program review and coordination, and legislative clearance requirements; and

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(e) One-time nonrecurring requirements waived by appropriate interagency or internal clearance authority.

8. Inquiries. General inquiries about this Circular should be addressed to the Assistant Director for Management and Organization, Office of Management and Budget, Washington, D.C. 20503. Specific inquiries concerning public reporting requirements should be addressed to the Clearance Officer, Statistical Policy Division, Office of Management and Budget.

DIRECTOR

Attachment

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ATTACHMENT A
Circular No. A-40
Revised

Clearance of Public Reporting and Recordkeeping
Requirements Under the Federal Reports Act

1. The following definitions for public reporting are to be used for the purpose of this Circular.

a. "Federal agency." An executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government. Exceptions: the Government of the District of Columbia or of any territory or possession of the United States, or any subdivision of such a Government; the General Accounting Office; the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, the Bureau of Alcohol, Tobacco, and Firearms, and the Division of Foreign Funds Control of the Treasury Department; and any Federal bank supervisory agency to the extent that such agency obtains reports and information from banks as provided or authorized by law and in the proper performance of its supervisory capacity.

b. "Information." Facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either for answers to identical questions from 10 or more persons other than agencies, instrumentalities, or employees of the United States or for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest (44 U.S.C. 3502).

c. "Person." An individual, partnership, association, corporation, business trust, or legal representative, an organized group of persons, a State or territorial Government or branch, or a political subdivision. In determining whether information is being collected from 10 or more persons, when the primary or principal respondents must obtain from others the same information that is requested of them (e.g., prime contractors obtaining information from their subcontractors), the secondary respondents are also included.

d. "Plan." Any specific requirement or guide for the reporting of information or the establishment or maintenance of records (including management systems and systems of classification) which are to be used or be available for use in the collection of information; any such requirement or instruction

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affecting the content, preparation, return, or use of a plan or report form; or any contract or agreement which will result in the collection of information on identical items from 10 or more respondents.

e. "Report form." Any application or other administrative form, questionnaire, schedule, interview guide, telegraphic request, or other similar device for the collection of information.

f. A plan or report form is deemed to be "used" by a Federal agency if:

(1) The agency itself uses the plan or form to collect data, upon identical items, from 10 or more persons, or

(2) The agency sponsors the employment of the plan or form by others.

g. "Sponsor." A Federal agency is considered to "sponsor" the collection of information under the following circumstances, subject to the qualifications and explanations indicated herein:

(1) Collection by a contractor. A plan or report form used by a contractor to a Federal agency is deemed to be sponsored by the agency which awards the contract, except when the data collection is neither required by nor implied by the terms of the contract and no representation of Federal sponsorship or association is made to the respondents.

(2) Collection by recipient of a grant. A plan or report form used by a recipient of a Federal grant is not deemed to be sponsored by an agency, except when:

(a) The recipient of a grant represents to respondents that the information is being collected for or in association with a Federal agency (However, this exception is not intended to preclude mention of Federal support in response to an inquiry, or acknowledgement of assistance from a Federal grant in any publication of the data.); or

(b) The recipient of a grant uses the plan or report form to collect information that the agency has requested for the planning, operation, or evaluation of its program; or

(c) The terms and conditions of the grant provide for approval by the agency of the survey design, questionnaire content, or data collection procedures; or

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(d) The terms and conditions of the grant provide for either submission to the agency of the data for individual respondents or the preparation and submission of special tabulations requested by the agency.

(3) Other types of sponsorship. When a person or organization is requested by a Federal agency to collect specific information to be made available to the agency, the plan or report form or the part thereof used to collect this information must be regarded as sponsored, even though no contract or grant is involved. When a plan or report form is promulgated by a Federal agency as a standard for use by State or local governmental agencies, such a plan or report form is deemed to be sponsored, even though it is not used for reporting to the Federal agency. In the case of doubt as to whether a plan or report form is sponsored, inquiry should be made of the Office of Management and Budget.

2. Clearance requirements.

a. General requirements of clearance. No plan or report form (whether repetitive or single-time) is to be used or prescribed by a Federal agency in the collection or recording of information from 10 or more persons without first obtaining clearance from the Office of Management and Budget which will be indicated by inscribing thereon the OMB approval number or notation. Reimbursement of contractors or other persons supplying information does not constitute a basis for exemption from any clearance requirement.

b. Responsibility of agency sponsoring collection of information. Whenever a Federal agency sponsors the use of a plan or report form by contractors, grantees, or other sponsored collectors of information, it will be that agency's responsibility:

(1) To inform the sponsored collector of information of the requirements of this Attachment;

(2) To insure that the submittal required by paragraph 3a of this Attachment is made; and

(3) To insure that the plan or report form is not used without prior clearance.

c. Termination of clearance and use. No plan or report form subject to paragraph 2a of this Attachment is to be used after its expiration date without resubmittal to the Office of Management and Budget and prior clearance. Moreover, clearance of any

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plan or report form subject to paragraph 2a may be withdrawn by the Office of Management and Budget, in which event the use of the plan or report form will be discontinued.

3. Request for clearance for new plans and report forms.

a. Agency plans and report forms. Requests for clearance shall be made by submitting Standard Form 83, "Clearance Request and Notice of Action," prepared in accordance with, and accompanied by additional materials described in Standard Form 83a, "Instructions for Requesting OMB approval under the Federal Reports Act." (Standard Forms 83 and 83a may be secured from the Federal Supply Service, General Services Administration.) Requests for clearance should be made in time to allow for adequate review and the adoption of any necessary alterations (including coordination or integration with other plans and report forms) without delaying the operating program to which the plan or report form relates.

b. Standard and optional forms. Standard and optional forms which require Office of Management and Budget approval under 44 U.S.C. 3509 (i.e., public use forms or those which are the basis for statistical compilations of general public interest) should be submitted to the National Archives and Records Service of the General Services Administration, with copies of both Standard Form 152, "Request for Clearance and Procurement--Standard and Optional Forms," and Standard Form 83 (only items 6, 14, 15, and 16 need be completed on Standard Form 83). The National Archives and Records Service will review the proposed forms and will also transmit copies to the Office of Management and Budget.

c. Interagency reports. Interagency report forms and requirements which require Office of Management and Budget approval under 44 U.S.C. 3502 (i.e., because the information to be collected is to be used for statistical compilations of general public interest) should be submitted to the National Archives and Records Service of the General Services Administration with copies of Standard Form 360, "Request for Clearance of an Interagency Reporting Requirement." The National Archives and Records Service will review the proposed forms and requirements and will also transmit copies to the Office of Management and Budget. (Effective July 1, 1973. See Attachment B.)

4. Consideration of utility and burden. To minimize the reporting burden on respondents and to improve governmental efficiency, each Federal agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable need

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or practical utility, either with respect to number of respondents, frequency of collection, or number and difficulty of the items, and whether all of the items of information to be furnished or recorded are essential to the central purpose of such plan or report form. Special consideration will be given to the burden on individuals, small businesses, and other organizations with limited clerical, financial management, and statistical staffs. Dollar costs associated with the development and processing of a public reporting requirement will be treated as an internal reporting cost of the requiring agency.

5. Request for clearance for revised plans and report forms. Before a material revision or change is made in an approved plan or report or in the use thereof, further clearance must be obtained from the Office of Management and Budget in the manner prescribed in the relevant subparagraph of paragraph 3. A material revision or change in a plan or report form or the use thereof, necessitating further clearance, will include (a) any modification in the kind or amount of information sought, (b) any change in the type of respondents or the survey coverage, (c) any change in the timing or frequency of reporting, (d) any other change in the sample design or collection method, or (e) a change in the purpose for which the data are collected.

6. Request for extension of clearance. If use of a plan or report form beyond a scheduled expiration date is desired, without material revision or change, the request for an extension of approval will be made on Standard Form 83 or by such other means as may be prescribed.

7. Exemptions. The following types of forms and reporting requirements are exempted from the requirement of approval under 44 U.S.C. 3509:

a. Affidavits, oaths, certifications, notices of change of address, and forms used for acknowledgment or receipt of articles or services which require no information other than that necessary to describe the article or service and identify the person or persons making the acknowledgment or receipt.

b. Forms calling for technical information incident to the design, production, or operation of contract items, such as engineering drawings, specifications and standards, parts breakdown lists, catalog items identifications, or descriptions of physical qualities and characteristics. ("Technical information" does not include financial, administrative, cost and pricing, management and management planning data, or other information incidental to contract administration.)

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c. Collection of information for identification or classification in connection with laboratory research and clinical investigations.

d. Tests or examination given individuals for the purpose of determining knowledge, abilities, or aptitudes of the person tested, and the collection of information for identification or classification in connection with such tests.

e. Requests for information in connection with a particular proceeding which arise out of judicial and quasi-judicial actions, such as proceedings before hearing examiners or administrative law judges.

f. Those specifically exempted by the Office of Management and Budget because they do not call for information of substantial volume or importance.

8. Deviation from terms of clearance. No deviation is to be made in the use of any plan or report form from the terms and conditions on which clearance has been granted.

9. Notice of discontinuance. Whenever the use of a plan or report form for which clearance has been given is to be discontinued, except by expiration of a time limit fixed by the Office of Management and Budget, the Clearance Officer, Statistical Policy Division, Office of Management and Budget, is to be notified by the responsible agency at least 30 days in advance.

10. Reports. Each Federal agency will provide the Clearance Officer such information concerning the status and use of its report forms as may be requested.

11. Exercise of authority.

a. Determination of scope. The determination of the Director as to whether any plan, report form, activity, or other matter is within the scope of the Act or this Circular will be controlling.

b. Waivers. Any provision of this Circular may be waived in writing by the Director.

c. Delegation of Director's authority. The authority conferred by the Federal Reports Act on the Director may be exercised by his designee to the extent necessary or appropriate for

the performance of any function or duty prescribed by this Circular.

12. Relation to existing authority. This Attachment will not be deemed to limit or preclude exercise of the authority vested in the Office of Management and Budget by Executive Orders 8248, 10033, 10253, or otherwise, to plan and promote the improvement, development, and coordination of Federal and other statistical services.

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Standards for Interagency Reporting Under the Federal Records Act

The General Services Administration shall issue by July 1, 1973 procedures for clearance of interagency reporting requirements in the Federal Property Management Regulations (FPMR). These procedures shall be consistent with the following standards:

1. Clearance. Subject to exemptions and waivers specified in this Circular, GSA shall approve, modify, or disapprove interagency reporting requirements based on an objective cost effectiveness evaluation. Such action shall be completed expeditiously, commensurate with the adequacy of the information supporting the request and the urgency of the need.
2. Waivers. Submission of complete cost effectiveness justification for reporting requirements may be waived when in the judgement of GSA it would be in the interest of the Government to do so. GSA shall normally respond to a request for waiver within five working days of receipt.
3. Existing reports. GSA shall approve, modify, or disapprove by July 1, 1975, all interagency reporting requirements in existence on July 1, 1973. This review procedure shall be conducted in accordance with clearance schedules established by GSA.
4. Interagency public reports. The following interagency reporting requirements shall be cleared by both GSA and OMB. Such requirements shall be submitted to GSA with copies of Standard Form 360. After completion of its review, GSA will forward clearance requests to OMB for requirements that:
 - a. Form the basis for statistics of general public interest (See Attachment A.); or
 - b. Necessitate collection of information from the public by responding agencies. (The agency sponsoring the interagency report will also clear with OMB any forms needed to collect data from the public.)
5. Standard documentation. A standard documentation system shall be prescribed which includes the procedures for requesting clearances or waivers, and a standard method of clearance or waiver identification and expiration date assignment.

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6. Sampling. GSA shall determine what sampling of potential responding agencies is necessary to provide an adequate appraisal of the workload and cost of a proposed reporting requirement. Such sampling will ordinarily be conducted by the agency initiating the request for clearance.

7. Inventory. A central inventory shall be maintained by the GSA of all requirements that have obtained clearance approval.

8. Appeals. The head of any responding department or agency may question a requirement at any time prior to or after clearance. Such questions shall be resolved through agreement between the requiring and responding agencies, or by resolution by OMB after recommendation by GSA.

9. GSA assistance. Departments and agencies shall request assistance from GSA in defining and assessing reporting needs associated with the initiation of new programs and major policy changes. Such requests shall be made at the earliest practical opportunity in the planning for new programs and major policy changes.

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EXECUTIVE SECRETARIAT

Routing Slip

TO:

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15	DTR				
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18	C/IPS				
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SUSPENSE

Date

Remarks:

*NOTE to ER Action
transferred to Comp by DDA
2 Mar*

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